

Raymond Planning Board Minutes

May 14, 2009

Approved 06/04/09

Place: Raymond High School; Media Center

Call to Order: 7:00 p.m.

Planning Board Members Present: Jonathan Wood, Chairman; Carolyn Matthews, Vice Chairman; Jim Kent, Secretary; Bill Hoitt, Selectmen's Ex-Officio; Bill Cantwell.

NOTE: Gretchen Gott was excused from this meeting, by permission.

Zoning Board of Adjustment Members Present: Sharon Weldy; Charles White; Joyce Wood; Nick Moccia; Paul McCoy.

Conservation Commission Members Present: Cheryl Killam; Jan Kent; Mike Kappler; Cody Cramer.

Others Present: Don Hsu, Member of the Fiscal Responsibility Committee.

Staff Present: Ernest Cartier Creveling, Community Development Director; Richard Mailhot, Code Enforcement Officer; Robert Price, Planning Technician.

Pledge of Allegiance

Planning Board Work Session with Zoning Board of Adjustment & Conservation Commission Members

The Planning Board invited members of the Zoning Board of Adjustment (ZBA) and Conservation Commission (CC) to a joint work session. This work session was primarily used to discuss the Planning Board's zoning amendments that passed at Town Meeting in March 2009. This forum allowed the Planning Board to discuss their intent behind each of the zoning amendments, giving the ZBA and CC a factual background to work with in the event that either Board has the need to consider these new sections of the Zoning Ordinance in the future. Additionally, this forum allowed the ZBA and CC members an opportunity to ask the Planning Board questions about each amendment, and seek clarification where needed.

Following review of the zoning amendments, Planning Board member Carolyn Matthews brought up joint hearings. She cited NH RSA 676:2, which mandates that the Planning Board and Zoning Board of Adjustment develop procedures within their respective Rules of Procedure to hold a joint hearing. The RSA also states that a joint hearing can take place at the request of the applicant, or at the request of the Board with the applicant's consent. It was noted, however, that a joint hearing is only necessary if both Boards have a distinguishable action to take on an application.

Next, the Zoning Board of Adjustment took the opportunity to discuss recusal of the Planning Board's Alternate member during ZBA hearings. Recently (April 2009 ZBA meeting) this issue arose when the Planning Board alternate recused from a hearing at the ZBA level specifically to

serve on the case at the Planning Board level. The ZBA did acknowledge that this problem has occurred in the past, not just at the last meeting. The ZBA's problem with this specific recusal was that the recusal left the ZBA with only 4 members to serve that evening. Ms. Matthews, who currently serves at the Planning Board's alternate to the ZBA, addressed the issue by stating she has been advised by Legal Counsel available through the Local Government Center that her first duty is to the Board which she is elected to, in this case the Planning Board. However, she stated she would like to, in certain situations, be able to serve on the ZBA level and recuse from the Planning Board. After briefly discussing the situation, Code Enforcement Officer Mailhot noted just because you sit on one Board, you don't necessarily have to recuse from the other automatically. He explained the ZBA and Planning Board decide things on two completely different levels. He stated a nice solution would be to disclose that the member sat on the case at the ZBA level, which also allows the applicant the opportunity to request that the member recuse themselves, if the applicant so chooses to do so. He noted that does not mean the member must honor that request.

Planning Board Chairman Jonathan Wood and the other members of the Planning Board thanked the members of the Zoning Board of Adjustment and the Conservation Commission for attending tonight's meeting.

Other Business – Staff Update

Community Development Director Cartier Creveling stated Fairpoint Communications has completed work on the telecommunications switching station located on Floral Avenue, and they are requesting the release of their bond. However, during final inspection, it was noted some items on the ground differ slightly from the plan. Code Enforcement Officer Mailhot suggested each of the Board members take a few minutes over the next week to look at the site, and then come back next week to determine if the changes are acceptable or not. He explained that neither he, nor Public Works Director Dennis McCarthy are concerned with how the site looks, nor have they heard any complaints from any of the abutters during the construction process.

The Board agreed to discuss Goals and Objectives and Rules of Procedure on the June 18 agenda, following the public hearing that is currently scheduled.

The Planning Board heard reports from its members serving on other various boards and committees.

Adjournment

MOTION: Bill Cantwell made a motion to adjourn. Jim Kent seconded. The motion passed with a unanimous vote of 5-0-0. The meeting adjourned at 9:21 p.m.

Respectfully Submitted,

Robert Price
Planning Technician

